



THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. NO.: 10/664,829
APPLICANT(S): LELAND, et al
FILING DATE: SEPTEMBER 17, 2003
TITLE: ULTRASONIC BLADE DESIGN FOR SCORING DOUBLE ANGLE
GROOVE AND PRODUCTS THEREFROM
DOCKET: TRM011U

MAIL STOP MISSING PARTS
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 9, 2004, at Manchester, New Hampshire.

By Carol McClelland
Carol McClelland

PETITION UNDER 37 CFR 1.47(a)

Dear Sir:

Applicants file a Petition under 37 CFR 1.47(a) to accept filing when one inventor refuses to sign (Gary Fussell). A Petition for a Five Month Extension of Time to respond to the Notice To File Missing Parts of Nonprovisional Application/Filing Date Granted, mailed December 16, 2003 accompanies this Petition.

The undersigned notes that with respect to Mr. Gary Fussell, the instant petition seeks filing under the circumstances where Mr. Fussell has refused to sign. The pertinent facts are as

follows and are offered herein by the undersigned, who attests to firsthand knowledge of their accuracy.

Gary Fussell was an employee (Applications Engineer) of American GFM of Chesapeake, Virginia. Mr. Fussell is a named coinventor of U.S. Appl. No. 10/664.829. On June 1, 2004, copies of the application and documents were sent to Mr. Fussell via FedEx, and were signed for by T. Evins. The documents were not returned as requested. Copies of the undersigned correspondence of June 1, 2004 forwarded to Mr. Gary Fussell is attached hereto, along with the Federal Express tracking receipt which confirms delivery to Mr. Fussell in Chesapeake, Virginia.

On June 25, 2004, the undersigned received a fax from patent counsel for American GFM and its employee Gary Fussell, Mr. Kevin W. Guynn of Sonnenschein Nath & Rosenthal, LLP, stating that Gary Fussell would not be executing any oath or declaration in connection with this patent application, U.S. 10/664,829. A copy of the letter is attached as proof and documentation that coinventor Gary Fussell will not sign the oath or declaration in this case.

Enclosed herein is the Declaration and Power of Attorney identifying Mr. Fussell as a coinventor and signed by the other coinventor, Richard L. Leland, thereby providing the required oath on behalf of Mr. Leland and the non-signing inventor, Mr. Fussell. 37 CFR. 1.47(a). 37 CFR. 1.64. MPEP 409.03(a)(an oath or declaration signed by all of the available joint inventors with the signature block of the non-signing inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor).

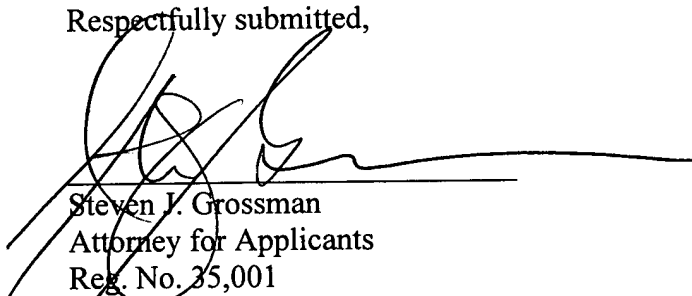
Under the circumstances, Applicants respectfully submit that the requirements of 37 CFR. 1.47(a) have been fully satisfied with respect to Mr. Gary Fussell, and Applicants

Appln. No. 10/664,829
Petition dated July 9, 2004

respectfully request that the present application be accepted for prosecution on the merits without the signature of coinventor Gary Fussell.

It is not believed that there are any fees associated with this petition; however, in the event there any fees are payable, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,



Steven J. Grossman
Attorney for Applicants
Reg. No. 35,001
Customer No. 32047
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, New Hampshire 03101



GROSSMAN, TUCKER
PERREAULT & PFLEGER, PLLC

COPY

VIA FED-EX
Tracking No. 7901 6365 6070
June 1, 2004

Mr. Gary Fussell
1200 Cavalier Blvd.
Chesapeake, Virginia 23323

RE: Leland, et al
US Patent Appln. No. 10/664,829
Filed: September 17, 2003
**Ultrasonic Blade Design For Scoring Double Angle Groove And
Products Therefrom**
Our Ref: TRM011U

Dear Mr. Fussell:

We are patent counsel for Collins & Aikman with respect to the above-referenced case. As you may be aware, you have been named as a co-inventor.

Enclosed please find a copy of the referenced application and a Declaration/Power of Attorney document. I respectfully request your signature on the enclosed Declaration/Power of Attorney. This will authorize our office to prosecute this application on your behalf.

Please sign and return the attached Declaration form as soon as possible. A postage paid return envelope is enclosed for your convenience. If you have any questions, please do not hesitate to contact this office. Also, I fully understand if you would be more comfortable referring this matter to your company's attorneys, and would actually suggest that you do so at this time so that you would have independent advice on this matter.

Thanking you in advance for your cooperation with this matter.

Sincerely,

Steven J. Grossman Ph.D.

Intellectual Property Matters

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Patent Agent:
Richard D. Rhodes

SJG: clm

Enclosures

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cc: Timothy E. Smith, C&A


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June 25, 2004

VIA TELEFAX

Mr. Steven J. Grossman Ph.D.
GROSSMAN, TUCKER, PERREAULT
& PFLEGER, PLLC
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Manchester, NH 03104

R E C E I V E D
JUN 25 2004GROSSMAN, TUCKER,
PERREAULT & PFLEGER, PLLC

Re: Leland, et al
U.S. Patent Serial No. 10/664,829, filed September 17, 2003
Entitled "Ultrasonic Blade Design for Scoring Double Angle
Groove and Products Therefrom"
Our Reference 09796622-0164, Your Reference TRM011US

Dear Mr. Grossman:

As patent counsel for American GFM, and its employee Gary Fussell, we confirm, as per the letter previously sent to Timothy Smith at Collins & Aikman Products Co., that Gary Fussell will not be executing any oath or declaration in connection with your referenced patent application.

To the extent that this patent application continues in force with Gary Fussell named as an inventor, we request that you keep us informed of the progress of the application.

Very truly yours,

SONNENSCHN NATH & ROSENTHAL LLP

By:


Kevin W. Guynn

cc: Edgar MacKinlay, Esq. (via telefax)

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encls.
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